

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of October 5, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

In the Office Action, Claims 1-28 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-28 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,738,813 to Reichman (hereinafter Reichman).

#### **Rejections Under §112**

In the Office Action, Claims 1-28 were rejected as being indefinite. In response to this rejection Applicants have amended the claim, as discussed below. Applicants respectfully request withdrawal of these rejections.

#### **Amendments to the Claims**

Although Applicants respectfully disagree with the rejections in the Office Action, Applicants nonetheless have amended the claims in order to expedite prosecution of the present application by further emphasizing certain aspects of the claims. Applicants respectfully assert, however, that the claim amendments presented are not intended as, and should not be interpreted as, the surrender of any subject matter. Applicants are not conceding by these amendments that any previously submitted claims are unpatentable over the references of record. Applicants' present claim amendments are submitted only for purposes of facilitating expeditious prosecution of the present Application. Accordingly, Applicants respectfully reserve the right to pursue any previously submitted claims in one or more continuation and/or divisional patent applications.

In this response, Applicants have amended the independent claims to clarify and further emphasize certain aspects of the claims. In particular, Claims 1, 18, and 19 have been amended to explicitly recite the steps that take place within the application server (i.e., the previous "sending" and "receiving" steps have been merged, as the application server would only receive information from the status hub or centralized location). Furthermore, Claims 1, 11, 18, and 19 have been amended to explicitly recite that the client requests recited in the claims explicitly refer to requests to execute computing tasks, including data management and data processing tasks. Such amendments are fully supported throughout the Specification. (See, e.g., Specification, paragraph. [0038]-[0042].) Additionally claims 2, 3, 5-9, 20, 21, and 23-27 have been amended to maintain consistency among the claims. Claims 4, 10, 22, and 28 have been cancelled in this response. No new subject matter has been introduced by these amendments.

### **Aspects of the Claims**

Prior to discussing the cited references, it may be used to discuss certain aspects of the claims. The claims, as amended, recite systems and methods for serving applications; that is, systems and methods for an application servers. In particular, the claims, as amended, recite an application server operating, for example, according to the method recited in claim 1. As recited in claim 1, the method for the application server can include receiving from a centralized location at least one component status publication generated based upon activity information specified in at least one component usage messages generated by an application component. Each component status publication can specify a usage level for the application component. Furthermore, each component usage message can be generated after a predetermined period of time has passed and can be automatically delivered to the centralized location. The component messages can specify the activity information for the application component, including a number of

users accessing the corresponding application component, a number of requests received by the corresponding application component within the predetermined time interval, or a rate at which resources of the corresponding application component are used.

The method can also include acquiring a client request to execute one or more computing tasks. The computing tasks include data processing tasks or data management tasks. The method can further include selecting a server response for the client request from among a plurality of possible server responses to execute the computing tasks in the client request. The selection can be based at least in part upon the component status publications received. Accordingly, each possible server response can be configured to differentially utilize the application components to execute the computing tasks. Finally, the method can include responding to the client request with the selected server response.

### **The Claims Define Over the Cited References**

In the Office Action, the claims were rejected as being anticipated by Reichman. Reichman discloses a server to monitor usage of components deployed in a network. However, in view of the teachings of Reichman, Applicants respectfully submit that Reichman fails to disclose or suggest each and every limitation of the claims, as amended.

In particular, Reichman fails to disclose or suggest the steps of acquiring a client request to execute one or more computing tasks and providing a server response to complete those tasks. As previously noted, Reichman explicitly discloses a system and method for monitoring usage of components in components deployed over a network. However, none of the cited portions disclose a method for acquiring client requests for executing computing tasks or selecting a server to execute these tasks.

In the first cited portion of Reichman (Col. 5, line 65 – Col. 6, line 34), Reichman only discloses receipt of request to determine the availability of resources. That is, the

"requests" relied upon in the Office Action are not requests to execute computing tasks, but merely requests to provide the status of one or more components in the network. Nowhere in this section does Reichman disclose or suggest that such requests are requests to complete any type of data management or data processing tasks. Similarly, the second cited portion of Reichman (Col. 5, lines 55-67), only recites a server response that provides a status of the resource usage in the components. In other words, Reichman's disclosed response is a report that lists the current load on the components in the network. Nowhere in this section does Reichman disclose or suggest that the response is the use of a particular set of resources to complete a computing task.

Furthermore, Reichman would not disclose such limitations. Reichman explicitly discloses that the purpose of monitoring the various resources is not to determine where to execute tasks, but rather to select components capable of assisting in the monitoring process. For example, Reichman discloses that the unused computing cycles of a user PC could be used by a monitoring to perform a monitoring tasks. Thus Reichman does not disclose distributing execution of computing task, but rather distributing monitoring tasks. Therefore, Reichman fails to disclose any system or method for performing task using different arrangement of components. In contrast, the claims, as amended, explicitly recite that the unused/available resources are not used to monitor other resources, but are actually used for executing computing processes. Therefore, when a system is overloaded, the claims recite detecting this circumstance and triggering of the application server to use a different arrangement of components to complete the computing tasks in the client request.

Accordingly, the cited references, alone or in combination with any other reference of record, fail to disclose, suggest, or render obvious each and every element of the independent claims, as amended. Therefore, Applicants respectfully submit that the independent claims, as amended, define over the references of record. Furthermore, as

the remaining claims each depend from one of the independent claims while reciting additional limitation, Applicants submit that the dependent claims likewise define over the references of record.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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